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December 17, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Amendment of Section 73.202(b)
RM-
FM Table of Allotments
Key Largo, Florida

Dear Ms. Searcy:

On behalf of Spanish Broadcasting System of Florida, Inc., licensee of Radio Station WZMQ(FM), Key Largo, Florida, we are filing herewith an original and four copies of its "Petition for Rulemaking" with respect to the above-captioned proceeding.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER

By


James M. Weitzman

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BEFORE THE

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DEC 17 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

RM-

To: Chief, Policy and Rules Division

PETITION FOR RULEMAKING

Spanish Broadcasting System of Florida, Inc. ("Spanish"), licensee of Radio Station WZMQ(FM), Key Largo, Florida, by its attorneys and pursuant to Section 1.40(d) of the Commission's Rules, hereby requests the Commission to institute a rulemaking proceeding to amend Section 73.202(b) in the manner described below:

1. Radio Station WZMQ(FM) operates at Key Largo, Florida, on Channel 280C2. Attached hereto is the Engineering Statement of Herman E. Hurst of Carl T. Jones Corporation. As indicated therein, WZMQ(FM), Key Largo, Florida, shares an antenna site with Radio Station WKLG(FM), Rock Harbor, Florida, operating on Channel 271C2. WZMQ(FM) has had reports of Receiver-Induced Third Order Intermodulation ("RITOI") interference in some automobile receivers within the vicinity of the shared antenna. This interference impacts the reception of Radio Station WCTH(FM), Plantation Key, Florida, operating on Channel 262C1. The WZMQ/WKLG site is approximately 19 km northeast of the WCTH antenna transmitter location.

2. In order to mitigate the RITOI, the licensee proposes to amend Section 73.202(b) in the following manner:

	<u>Add</u>	<u>Delete</u>
Key Largo, Florida	292C2	280C2
Marathon, Florida	288A	292A
Key Colony Beach, Florida	280C2	288C2

3. The proposed rearrangement of channels would mitigate the interference of the presently co-located Channels 271C2 and 280C2 by separating their respective transmitter sites by 79 km. Channel 280C2, which is currently operating at a location 19 km from WCTH, would be relocated 60 km away, while the Channel 271C2 site (WKLG) would remain at 19 km from WCTH. The licensee believes that the new separations will cure the RITOI problem.

4. To permit WZMQ's channel change from Channel 280C2 to Channel 292C2, it will be necessary to (1) substitute Channel 288A for Channel 292A, on which WAVK(FM), Marathon, Florida operates, and (2) substitute Channel 280C2 for Channel 288C2 on which WKKB(FM), Key Colony Beach, Florida, has an outstanding construction permit to operate.

5. As indicated by the attached Engineering Statement, at the reference coordinates proposed, WZMQ can operate on Channel 292C2 in conformance with all required distance separations and will provide requisite city coverage to Key Largo. Further, utilizing WAVK(FM)'s currently licensed site, WAVK(FM) operating at Channel 288A would meet all of the required minimum distance separations as set forth in the Commission's

Rules. Finally, the attached Engineering Statement also reflects that the use of Channel 280C2 in place of Channel 288C2 at Key Colony Beach, Florida, utilizing the coordinates of the site currently authorized to WKKB, would also meet the required minimum distance separations as required by the Commission's Rules.

6. The instant Petition does not request the substitution of an adjacent channel, but proposes to exchange channels within three communities with no upgrade in channel proposed. Consequently, the provisions of Section 1.420(g)(2) do not apply.

7. WZMQ acknowledges its responsibility, should it ultimately be awarded a construction permit for Channel 292C2, to reimburse WAVK, Marathon, Florida, and WKKB, Key Colony Beach, Florida, for the reasonable and prudent costs attendant to a change in frequency. See Circleville, Ohio, 8 FCC 2d 159 (1967).

8. The licensee intends to apply for a construction permit on the requested channel upon amendment by the Commission of its FM Table of Allotments and further intends to construct such facilities immediately following Commission grant of a construction permit to it.

9. It is therefore submitted that the public would be served by a modification of the FM Table of Allotments as follows:

	<u>Add</u>	<u>Delete</u>
Key Largo, Florida	292C2	280C2
Marathon, Florida	288A	292A
Key Colony Beach, Florida	280C2	288C2

10. In light of the foregoing, it is respectfully requested that the Commission institute a rulemaking proceeding proposing amendment to the FM Table of Allotments as set forth herein.

Respectfully submitted,

SPANISH BROADCASTING SYSTEM
OF FLORIDA, INC.

By 
James M. Weitzman

By 
Allan G. Moskowitz

Its Attorneys

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CARL T. JONES
CORPORATION

STATEMENT OF HERMAN E. HURST, JR.
IN SUPPORT OF A
PETITION FOR RULEMAKING REQUESTING AMENDMENT
OF SECTION 73.202(b) OF THE
RULES AND REGULATIONS

Proponent: Spanish Broadcasting System of Florida, Inc.

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

My education and experience are a matter of record with the Federal Communications Commission.

GENERAL

This office has been authorized by Spanish Broadcasting System of Florida, Inc., licensee of FM Broadcast Station WZMQ(FM), Key Largo, Florida, to prepare this statement and associated exhibits in support of its Petition to the Federal Communications Commission requesting amendment of Section 73.202(b) of the Rules and Regulations (Table of FM Allotments) in the following manner:

	<u>Add</u>	<u>Delete</u>
Key Largo, Florida	292C2	280C2
Marathon, Florida	288A	292A
Key Colony Beach, Florida	280C2	288C2

STATEMENT OF HERMAN E. HURST, JR.
WZMQ(FM) - KEY LARGO, FLORIDA
PAGE 2

This amendment to the Table of FM Allotments is requested to reduce the potential for Receiver Induced Third Order Intermodulation (RITOI) interference that has been observed in some automobile receivers within the near vicinity of the shared antenna transmitter site of WZMQ, Key Largo, Florida, Channel 280C2 and WKLG, Rock Harbor, Florida, Channel 271C2. This receiver-generated interference impacts reception of WCTH, Plantation Key, Florida, operating on Channel 262C1. WZMQ and WKLG are co-located at a site approximately 19 kilometers northeast of the WCTH antenna/transmitter location.

The proposed rearrangement of channels described herein would mitigate the RITOI by separating the presently co-located Channels 271C2 and 280C2. As proposed herein, the two channels would be separated by 79 kilometers. The Channel 280C2 facility, currently 19 kilometers from the WCTH site, would be placed 60 kilometers away. The Channel 271C2 site would remain at 19 kilometers from WCTH. We believe these new separations will cure the RITOI.

This Petition for Rulemaking does not request the substitution of an adjacent channel but proposes to exchange channels within three communities with no upgrade in channel proposed. Consequently, the provisions of Section 1.420(g)(2) do not apply.

ALLOCATION STUDY

WZMQ(FM) is a Class C2 assignment licensed to operate on Channel 280C2 (103.9 MHz). It is proposed to change to Channel 292C2. To permit the WZMQ(FM) channel change, it will be necessary to substitute Channel 288A for Channel 292A for WAVK, Marathon, Florida, and substitute Channel 280C2 for Channel 288C2 for an outstanding construction permit, WKKB, Key Colony Beach, Florida.

A complete frequency allocation study was performed to ensure that a Channel 292C2 allotment at Key Largo, Florida, would meet all of the required minimum distance separations with respect to all existing and proposed facilities and assignments in the vicinity. The attached Table 1 details the results of this study and demonstrates that the proposed Channel 292C2 is in conformance with all required distance separations as set forth in the FCC Rules and Regulations. For the purposes of this rulemaking, the following reference coordinates were selected for WZMQ(FM):

N.L. 24° 57' 20"
W.L. 80° 34' 50"

The reference coordinates are located approximately 23.2 kilometers southwest of the center of Key Largo, Florida, the principal community to be served. Exhibit 1 depicts the specified reference coordinates and the permissible site location area for a

STATEMENT OF HERMAN E. HURST, JR.
WZMQ(FM) - KEY LARGO, FLORIDA
PAGE 4

Channel 292C2 assignment in Key Largo. From the reference site selected, the city of Key Largo would be fully encompassed within the 70 dB contour.

A complete study was also conducted to ensure that a Channel 288A allotment at Marathon, Florida, would meet all of the required minimum distance separations with respect to all existing and proposed facilities and assignments in the vicinity. The attached Table 2 details the results of this study and demonstrates that the proposed Channel 288A is in conformance with all required distance separations as set forth in the FCC Rules and Regulations. For the purpose of this rulemaking, reference coordinates selected are:

N.L. 24° 43' 44"
W.L. 81° 02' 05"

The above stated reference coordinates for Marathon, Florida, are those from which WAVK, Marathon, Florida, is currently licensed to operate on Channel 292A with an ERP of 3.0 kW and HAAT of 34 meters and are located approximately 6.8 kilometers east of Marathon. Exhibit 2 depicts the permissible site area for WAVK as a Class A (6 kW) on Channel 288. Marathon will receive the predicted 70 dBu coverage which could be expected from a Class A facility operating with the maximum allowable effective radiated power (6 kW) and height above average terrain (100 meters).

STATEMENT OF HERMAN E. HURST, JR.
WZMQ(FM) - KEY LARGO, FLORIDA
PAGE 5

A complete study was also performed on the proposed 280C2 allotment at Key Colony Beach, Florida. As detailed in Table 3, the proposed allocation meets the required minimum distance separations with respect to all existing and proposed facilities and assignments in the vicinity. The reference coordinates selected for this rulemaking are:

N.L. 24° 42' 25"
W.L. 81° 06' 17"

The reference coordinates are located approximately 8.7 kilometers west of the center of Key Colony Beach, Florida, and describe the site currently authorized for use by WKKB on Channel 288C2. Exhibit 3 depicts the city of Key Colony Beach would be fully served with a 70 dB field strength.

The above statement and supporting exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: December 11, 1992


Herman E. Hurst, Jr.

TABLE I

Study Name: WZMQ
 KEY LARGO , FL
 ZONE 2
 Channel: 292C2
 Latitude: 24 57 20
 Longitude: 80 34 50
 Translators Not Included
 Nearest FOB Station or Quiet Zone: Vero Beach, FL 293.67 Km 359.0 Deg.

CHAN	CALL	CITY AND STATE	LATITUDE	LONGITUDE	FILE NO	STATUS	ERP	HAAT	BEAR	DIST	REQD	CLEAR
238C1	WAIL	Key West *TO CHANNEL 258 PER D21-239	FL 24 39 25	81 32 18	BLH-800905AC	LIC	100.000	75	251.2	102.33	27.0	75.33
239C1	WXDJ	Homestead	FL 25 32 24	80 28 7	BLH-870717KB	LIC	100.000	299	9.8	65.72	27.0	38.72
239C1	WXDJ	Homestead CP Cancelled 920805	FL 25 32 24	80 28 7	BPH-8906271D	CP	23.500	513	9.8	65.72	27.0	38.72
290C	WAXYFM	Fort Lauderdale MX WITH THE RENEWAL OF WAXY	FL 25 59 34	80 10 27	BLH-890814KI	LIC	D 100.000	311	19.4	121.95	105.0	16.95 CLOSE
292A	WAFCFM	Clewiston	FL 26 42 35	80 54 0	BPH-9012241A	CP	* 2.100	168	350.8	196.95	166.0	30.95
292A		Fort Myers Vill Coordinates updated from CP record	FL 26 34 10	81 56 34	-	USED	.000	0	323.1	225.03	166.0	59.03
292A	WAFCFM	Clewiston	FL 26 42 35	80 54 0	BLH-841220KS	LIC	1.500	140	350.8	196.95	166.0	30.95
292A	WAVK	Marathon 73.215 REQUIRED DIST. SEPARATION = 143.0 KM	FL 24 43 44	81 2 5	BLH-841105DP	LIC	3.000	34	241.3	52.32	166.0	-113.68 SHORT
292A	WSUV	Fort Myers Vill	FL 26 30 18	81 51 14	BLH-910722KA	LIC	D* 6.000	81	323.8	213.98	166.0	47.98
294C	WJQY	Fort Lauderdale	FL 25 59 34	80 10 27	BLH-860116KB	LIC	D 100.000	300	19.4	121.95	105.0	16.95 CLOSE

END OF STUDY

TABLE II

Study Name: WAVK
 MARATHON , FL
 ZONE 2
 Channel: 288A
 Latitude: 24 43 44
 Longitude: 81 2 5
 Translators Not Included
 Nearest FOB Station or Quiet Zone: Vero Beach, FL 321.22 Km 7.0 Deg.

CHAN	CALL	CITY AND STATE	LATITUDE	LONGITUDE	FILE NO	STATUS	ERP	HAAT	BEAR	DIST	REQD	CLEAR
286C	WHQT	Coral Gables	FL 25 57 59	80 12 33	BLH-870611KE	LIC D	100.000	307	30.9	160.31	95.0	65.31
288A	WIXI	Naples Park	FL 26 19 0	81 47 13	BLH-861104KB	LIC	.950	178	337.0	191.45	115.0	76.45
		*To Amend to Channel 288C3 Per D89-469										
288C3		Naples Park	FL 26 13 56	81 45 10	-	VACANT	.000	0	336.8	181.51	142.0	39.51
		Effective 8-13-92-Reserved For WIXI Per D89-469										
288C2		Key Colony Beac	FL 24 42 28	81 6 13	-	USED	.000	0	251.4	7.35	166.0	-158.65 SHORT
		Site Restricted-Effective 11-26-90-Reserved for WKKB per D89-612										
		73.215 REQUIRED DIST. SEPARATION = 143.0 KM SHORT										
288C2	WKKB	Key Colony Beac	FL 24 42 25	81 6 17	BMPH-891229IE	CP MOD	50.000	84	251.0	7.49	166.0	-158.51 SHORT
		73.215 REQUIRED DIST. SEPARATION = 143.0 KM SHORT										
290C	WAXYFM	Fort Lauderdale	FL 25 59 34	80 10 27	BLH-890814KI	LIC D	100.000	311	31.4	164.63	95.0	69.63
		MX WITH THE RENEWAL OF WAXY										

END OF STUDY

TABLE III

Study Name: WKKB

KEY COLONY, FL

ZONE 2

Channel: 280C2 New 6 kW Separations Used

Latitude: 24 45 25

Longitude: 81 6 17

Translators Not Included

Nearest FOB Station or Quiet Zone: Vero Beach, FL 319.09 Km 8.3 Deg.

SER	CHAN	CALL	CITY AND STATE	LATITUDE	LONGITUDE	FILE NO	STATUS	ERP	HAAT	BEAR	DIST	REQD	CLEAR	
FA 278C			Fort Lauderdale FL	25 57 59	80 12 33	-	USED	.000	0	33.6	161.48	105.0	56.48	
	G	Coordinates updated from LIC record BLH851217KB												
FM 278C	WSHE		Fort Lauderdale FL	25 57 59	80 12 33	BLH-851217KB	LIC	D	100.000	307	33.6	161.48	105.0 56.48	
FM 279C2	WXXB		Cape Coral FL	26 38 19	82 1 35	BLH-891226KF	LIC		50.000	83	336.4	228.06	130.0 98.06	
	G	*To Channel 280C1 Per D88-512												
FM 280C1	WXXB		Cape Coral FL	26 47 43	81 48 4	BPH-920409II	APP		100.000	299	343.0	236.36	224.0 12.36 CLOSE	
	G	From Channel 279C2 Per D88-512												
FM 280C2	WZMQ		Key Largo FL	25 5 29	80 26 37	BMPH-920520IC	CP MOD	*	50.000	73	60.7	76.37	190.0 -113.63 SHORT	
FA 280C2			Key Largo FL	24 57 20	80 34 50	-	USED		.000	0	67.2	57.36	190.0 -132.64 SHORT	
	R	Site Restricted-Effective 3-12-91-Rsvd for WZMQ per D90-446												
FA 280C1			Cape Coral FL	26 47 43	81 48 4	-	VACANT		.000	0	343.0	236.36	224.0 12.36 CLOSE	
	R	Site Restricted-Effective 1-9-92-Reserved for WAKS Per D88-512												
FA 282C			West Palm Beach FL	26 30 0	80 10 0	-	USED		.000	0	25.7	214.85	105.0 109.85	
	R	SITE RESTRICTED-EFF 11-14-88-RSVD FOR WEATFM PER D87-438												
FM 282C	WEATFM		West Palm Beach FL	26 34 37	80 14 32	BPH-890802ID	CP	*	100.000	388	22.9	219.43	105.0 114.43	
	G	From Channel 282C1 Per D87-438												

END OF STUDY

EXHIBIT 1

**KEY LARGO,
FLORIDA**

**105 KM ARC FROM
WAXY-FM CH: 290 C
AND
WJQY (FM) CH: 294C**

**PERMISSIBLE
SITE AREA**

**CITY GRADE
RESTRAINT**

**WZMQ (FM)
REFERENCE COORDINATES
NORTH LATITUDE: 24 ° 57' 20"
WEST LONGITUDE : 80 ° 34' 50"**

**PERMISSIBLE SITE AREA
FOR KEY LARGO, FLORIDA
CHANNEL : 292 C2
DECEMBER, 1992**

**CARL T. JONES
CORPORATION**

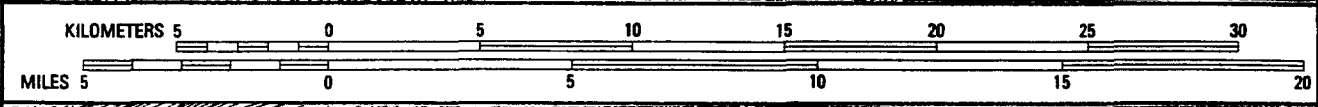


EXHIBIT 2

PERMISSIBLE SITE AREA
FOR MARATHON, FLORIDA
CHANNEL : 288 A
DECEMBER, 1992

PERMISSIBLE
SITE AREA

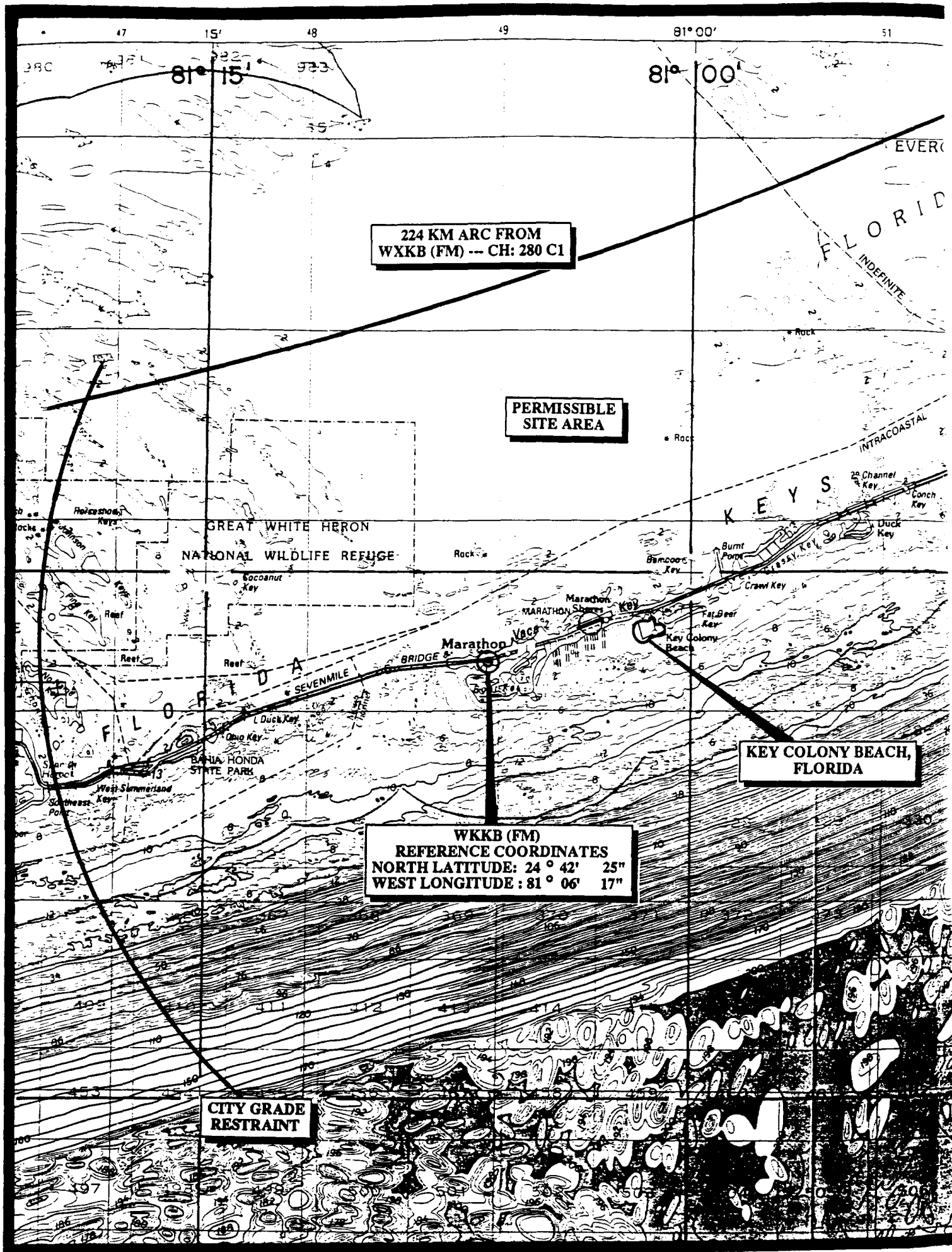
CITY GRADE
RESTRAINT

MARATHON,
FLORIDA

WAVK (FM)
REFERENCE SITE
N. LAT: 24° 43' 44"
W. LON: 81° 02' 05"

CARL T. JONES
CORPORATION

AT NT



52

45'

53

54

250 000 METERS 30'

56

EXHIBIT 3

80° 45'

80° 30'

ADES NATIONAL PARK

BOUNDARY

CITY GRADE
RESTRAINT

PERMISSIBLE SITE AREA
FOR KEY COLONY BEACH, FLORIDA
CHANNEL : 280 C2
DECEMBER, 1992

CARL T. JONES
CORPORATION

KILOMETERS

5

0

5

10

15

20

25

30

MILES

5

0

5

10

15

20

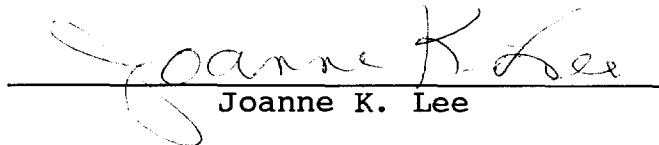
CERTIFICATE OF SERVICE

I, Joanne K. Lee, a secretary with the law firm of Kaye, Scholer, Fierman, Hays & Handler, do hereby certify that a copy of the foregoing "Petition for Rulemaking" was mailed this 17th day of December 1992, first class, postage prepaid, to the following:

Mr. Douglas W. Webbink, Chief*
Policy & Rules Division
Federal Communications Commission
2025 M Street, N.W., Room 8010
Washington, D.C. 20554

William Silva, Esquire
Blair, Joyce & Silva
1825 K Street, N.W.
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Mr. Joel B. Day, President
Key Chain, Inc.
Radio Station WAVK(FM)
11399 Overseas Highway, 2nd Floor
Exchange Building
Marathon, FL 33050


Joanne K. Lee

*Hand delivered.